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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,826	07/05/2001	Graham Clemie	0106US-CLEMI	5232
23521	7590	01/30/2004	EXAMINER	
SALTAMAR INNOVATIONS			ZHOU, TING	
30 FERN LANE			ART UNIT	
SOUTH PORTLAND, ME 04106			PAPER NUMBER	
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DATE MAILED: 01/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/900,826

Applicant(s)

CLEMIE, GRAHAM

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Note reference character "50" in Figure 5.
2. The drawings are objected to because the following reference characters are not labeled in an appropriate descriptive manner: reference characters "7", "11" and "12 in Figure 1 and each of the elements in Figure 5. Furthermore, Figure 4 requires descriptive reference numerals.
3. Applicant is required to submit a proposed drawing correction of the above noted deficiencies in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Specification***

#### **Content of Specification**

4. Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an

application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

The title of the invention is objected as failing to descriptively convey the nature of the invention.

5. The disclosure is objected to because of the following informalities:
  - a. The use of the word “organising” throughout the disclosure is incorrect. The correct spelling of the word would be -- organizing --.
  - b. The use of the word “computerising” throughout the disclosure is incorrect. The correct spelling of the word would be -- computerizing --.

Appropriate correction is required.

### ***Claim Objections***

6. Claims 1-45 are objected to because of the following informalities:
  - a. In claims 1 and 21, the word “to” should be inserted between “orthogonal” and “each” in the phrase “...wherein said first, second and third axis are orthogonal each other...” for grammatical purposes
  - b. The word “organising” used in claim 1 is misspelled. The correct spelling of the word is -- organizing --.
  - c. All subsequent dependent claims are objected to as well.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9, 11-16, 19-29, 31-36, and 39-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Pooser et al. U.S. Patent 5,812,134.

Referring to claims 1, 21 and 45, Pooser et al. teach a computer apparatus and method of controlling a graphical user interface for use in accessing and organizing information sources, as recited in column 3, lines 3-5. Specifically, the apparatus and method comprises an interface generating module (means) having a graphical output on a display (column 3, lines 9-11), the graphical output depicting a plurality of nodes (column 3, lines 19-22), a node arrangement software module responsive to information reflecting the relationship between nodes adapted for arranging nodes in a graphic representation of three dimensional space (column 4, lines 5-8), the location of nodes in three dimensional space indicating relationships therebetween (column 3, lines 17-31), wherein at least one node comprises a link to an information source, the

information source being accessible by selection of link responsive to user interaction with an input device (column 4, lines 44-53 and column 7, lines 59-62). Furthermore, the three dimensional space is arranged with three axes including a first axis, a second, different, axis and a third, different axis wherein the first, second and third axis are orthogonal to each other and the first axis lies parallel to a plane of the display (column 4, lines 5-8 recite a three dimensional view of the graphic display, which, as is well known to one of ordinary skill in the art, contains three axis, namely X-Y-Z, all three of which are orthogonal to each other, with one axis, usually the X-axis parallel to the plane of view to give depth perception), wherein the relationships between the nodes include a hierarchical relationship having a plurality of levels (column 3, lines 44-48), wherein the levels are sequentially spaced along the first axis and wherein the nodes of one level are represented in arrangements which are spaced along both the second and the third axis (the threads are arranged in parallel streams of connected nodes and the nodes of a given thread are arranged in a natural linear progression) (column 3, lines 19-28 and further shown in Figure 4).

Referring to claims 2 and 22, Pooser et al. teach the relationship between at least two nodes depicted by the relative positioning of the nodes (a node positioned in the higher level has as parent-child relationship with the nodes positioned in the lower levels), as recited in column 3, lines 44-48.

Referring to claims 3 and 23, Pooser et al. teach the interface generating module adapted for displaying a representation of a three dimensional space comprising nodes having three dimensional co-ordinates associated therewith, as recited in column 4, lines 5-8 and column 27, lines 6-13. This is further shown in Figure 4.

Referring to claims 4 and 24, Pooser et al. teach maintaining a user viewpoint within the three dimensional space and calculates graphical images as if the user were located at the user viewpoint within the three dimensional space, as recited in column 3, lines 55-65 and column 4, lines 11-26.

Referring to claims 5 and 25, Pooser et al. teach a sound generation module producing a sound depending on the location in the three dimensional space relative to the user viewpoint of nodes which link to sound information sources, as recited in column 7, lines 62-66, column 8, lines 32-35 and column 10, lines 10-19.

Referring to claims 6 and 26, Pooser et al. teach at least one node comprising a link to an application and selection of the link activates the application (for example, a physician looks at patient data and selects a link to open related patient records to view), as recited in column 4, lines 40-58.

Referring to claims 7 and 27, Pooser et al. teach a user software module having a graphical user interface functionality adapted for enabling a user to perform an action selected from the list consisting of creation of a link, creation of a node, moving of a node, moving of a link, altering of a node and altering of a link (user can create, move and alter panorama, which includes both nodes and links), as recited in column 10, lines 10-19.

Referring to claims 8 and 28, Pooser et al. teach a user software module having a graphical user interface functionality adapted for specifying the relationship between nodes (the PNS software allows user to create and change relationships between nodes in the panorama), as recited in column 9, lines 64-67 and continuing onto column 10, lines 1-19.

Referring to claims 9 and 29, Pooser et al. teach the visual or aural appearance of a node reflecting properties of the node or its information sources (the visual appearance of nodes varies as the text descriptions reflecting its properties shown on the display screen changes; nodes can also be represented by different symbols), as recited in column 8, lines 41-51.

Referring to claims 11 and 31, Pooser et al. teach the appearance of a node altered by dynamically varying the visual or aural properties, or the position of the node (as the symbol used to represent the node is dynamically customized and changed by the user, the appearance of the node on the display screen is similarly changed), as recited in column 8, lines 41-51 and column 10, lines 10-19.

Referring to claims 12 and 32, Pooser et al. teach the same node or information source appearing more than once within the three dimensional space, as seen in Figure 4.

Referring to claims 13 and 33, Pooser et al. teach adapting to highlight multiple instances of the same node or information source in response to selection of a node (when the user selects a node, via highlighting words/phrases, information related to the words/phrases, such as other occurrences of the words/phrases are also displayed on the screen), as recited in column 5, lines 1-14.

Referring to claims 14 and 34, Pooser et al. teach adapting to prepare a plurality of nodes from a hierarchical filing system (the nodes could comprise numerous files such as text, audio, and image files), as recited in column 8, lines 20-35 and column 10, lines 10-19.

Referring to claims 15 and 35, Pooser et al. teach adapting to automatically link information received, sent or newly created to a node (the “automatic customization”



functionality records the information received regarding a user's node selections and saves it for future use), as recited in column 12, lines 13-22.

Referring to claims 16 and 36, Pooser et al. teach creating a new node (creating a customized path) upon receiving, sending or creating information (regarding the user's node/thread selections), as recited in column 12, lines 13-22.

Referring to claims 19 and 39, Pooser et al. teach at least one information source further comprising a link to information concerning the node (by highlighting a hypertext link, additional information regarding the link will be displayed), as recited in column 5, lines 1-14.

Referring to claims 20 and 40, Pooser et al. teach the graphical user interface functioning as a computer desktop, as recited in column 7, lines 52-62 and further shown in Figures 1 and 3a.

Referring to claims 41 and 42, Pooser et al. teach a computer program comprising program instructions (PNS software) which, when loaded into a computer, will cause it to perform the functions of the computer apparatus and carry out the GUI controlling method, as recited in column 8, lines 6-18.

Referring to claims 43 and 44, Pooser et al. teach a computer readable media comprising the computer program, as recite in column 7, lines 52-59.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pooser et al. U.S. Patent 5,812,134, as applied to claims 1 and 21 above, and further in view of Roberge et al. U.S. Patent 6,154,750 and Levin et al. U.S. Patent 6,434,556.

Referring to claims 10 and 30, while Pooser et al. teach all of the limitations as applied to claims 1 and 21 above, they fail to teach the properties of the node or its information sources selected from a list consisting of age, ownership, importance, age of node, results of a query, frequency of use, size, type, speed of link to information source, location of information source. Roberge et al. teach navigation of hierarchically arranged data similar to that of Pooser et al. In addition, Roberge et al. further teach the properties of the node or its information sources selected from a list consisting of age (date) (column 5 lines 30-35), ownership (a node's identifier) (column 5 lines 30-35), age of node (date) (column 5 lines 30-35) and type (column 5 lines 30-35). It would have been obvious to one of ordinary skill in the art, having the teachings of Pooser et al. and Roberge et al. before him at the time the invention was made, to modify the user interface navigational apparatus and method for representing information of Pooser et al. to include the properties taught by Roberge et al., in order to obtain an apparatus and method capable of selecting the properties of the node or its information sources selected from a list consisting of age, ownership, age of node and type. It would have been advantageous for one to make such a combination in order to give users more node property options to choose from and also allowing them to be able to view more information about the node.

While Pooser et al. and Roberge et al. teach all of the limitations as applied to the claims above, they fail to teach selecting properties from a page consisting of importance, results of a query, frequency of use, size, speed of link to information source and location of information source. Levin et al. teach the display and visualization of hierarchical information similar to that of Pooser et al. and Roberge et al. In addition, Levin et al. further teach the properties of the node or its information sources selected from a list consisting of importance (relevancy) (column 4, lines 44-58), results of a query (the number of search engines returning the node as a matching hit) (column 4, lines 44-58), frequency of use (the number of links to/from the hit) (column 4, lines 44-58), size (column 4, lines 31-35), speed of link to information source (column 4, lines 44-58) and location of information source (the type of web site where the information was found) (column 4, lines 44-58). It would have been obvious to one of ordinary skill in the art, having the teachings of Pooser et al., Roberge et al. and Levin et al. before him at the time the invention was made, to modify the hierarchical data navigational apparatus and method of Pooser et al. and Roberge et al. to further include the properties taught by Levin et al. It would have been advantageous for one to make such a combination in order to give users even more node property options to choose from and allowing them to view more information about the node.

9. Claims 17-18 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pooser et al. U.S. Patent 5,812,134, as applied to claims 1, 15, 21 and 25 above, and further in view of Norin U.S. Patent 5,812,773.

Referring to claims 17 and 37, while Pooser et al. teach all of the limitations as applied to the claims above, they fail to teach receiving, sending or creating information in the form of messages. Norin teaches the display of hierarchically structured data similar to that of Pooser et al. In addition, Norin further teaches receiving, sending or newly creating information in the form of a message, as recited in column 15, lines 42-44. It would have been obvious to one of ordinary skill in the art, having the teachings of Pooser et al. and Norin et al. to modify the user interface navigational apparatus and method for representing information of Pooser et al. to include the transmission of information via messages, taught by Norin. One would have been motivated to make such a combination because it would make it easy, convenient and fast to relay information.

Referring to claims 18 and 38, while Pooser et al. teach all of the limitations as applied to the claims above, they fail to teach receiving, sending or creating information in the form of email messages. Norin teaches the display of hierarchically structured data similar to that of Pooser et al. In addition, Norin further teaches receiving, sending or newly creating information in the form of an email message, as recited in column 16, lines 5-9. It would have been obvious to one of ordinary skill in the art, having the teachings of Pooser et al. and Norin et al. to modify the user interface navigational apparatus and method for representing information of Pooser et al. to include the transmission of information via email messages, taught by Norin. One would have been motivated to make such a combination because it would make it easy, convenient and fast to relay information.

10. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar methods to organize and display hierarchical information.

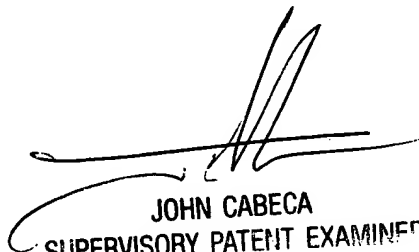
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday-Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

January 23, 2004

  
JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2173